

2022 Regular Session

HOUSE BILL NO. 726

BY REPRESENTATIVE LYONS

CRIMINAL/PENALTIES: Provides relative to the financial obligations of criminal offenders

1 AN ACT

2 To enact Code of Criminal Procedure Article 875.1(H), relative to the financial obligations
3 for criminal offenders; to provide relative to incarceration; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 875.1(H) is hereby enacted to read
7 as follows:

8 Art. 875.1. Determination of substantial financial hardship to the defendant

9 * * *

10 H. Notwithstanding any provision of this Article or any other law to the
11 contrary, if the financial obligations imposed upon a defendant would cause
12 substantial financial hardship to the defendant or his dependants, the court shall not
13 order that the defendant be incarcerated for his inability to meet those financial
14 obligations. This provision shall apply to defendants convicted of traffic offenses,
15 misdemeanor offenses, or felonies under applicable law.

16 Section 2. Notwithstanding Section 5(A) of Act No. 313 of the 2021 Regular Session
17 of the Legislature, Sections 1 and 2 of that Act shall not become effective.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 726 Engrossed

2022 Regular Session

Lyons

Abstract: Provides relative to the financial obligations of criminal offenders.

Present law provides that the purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims.

Present law further provides that these financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society, that financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven, and that creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more money collected.

Present law provides a definition for "financial obligations".

Present law provides that prior to ordering the imposition or enforcement of any financial obligations, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

Proposed law retains present law and provides that a defendant shall not be incarcerated for his inability to meet his financial obligations if those financial obligations would cause substantial financial hardship to the defendant or his dependants. Provides that proposed law shall apply to defendants convicted of traffic offenses, misdemeanor offenses, or felonies under applicable law.

(Adds C.Cr.P. Art. 875.1(H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify the types of offenses to which proposed law is applicable.